

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

KENNETH P. MAJKUT,)	
)	
Plaintiff,)	
)	
v.)	
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	Civil Action No. 1:05-CV-068-C
Defendant.)	ECF

ORDER


THIS MATTER comes before the court on the Report and Recommendation filed August 4, 2006 (Doc. 22). No written objections have been filed.

IT IS, THEREFORE, ORDERED that the findings and conclusions in the Report and Recommendation are **ADOPTED** as the findings and conclusions of the court and that this cause is reversed and remanded to the Commissioner for further proceedings pursuant to 405 U.S.C. § 405(g).

Upon remand and after further consideration of the evidence in the record, the ALJ should appropriately evaluate the severity of Plaintiff's impairments, determine the limitations imposed by the combination of Plaintiff's impairments, and determine Plaintiff's residual functional capacity ("RFC"). After determining Plaintiff's RFC, the ALJ will have the opportunity to present a hypothetical question to the VE which incorporates limitations which are accepted by the ALJ and which reflect the RFC finding. The ALJ will again need to consider whether Plaintiff's impairments

meet or equal in severity any listing in the Listing of Impairments. Finally, if appropriate, the ALJ may consider the issue of whether Plaintiff can maintain employment.

DATED this 28th day of August, 2006.



SAM R. CUMMINGS
UNITED STATES DISTRICT COURT